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Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

Fifth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the
Rights of the Child: Romania

1. The Committee considered the initial report of Romania (CRC/C/3/Add.16) at its 120th to 122nd meetings (CRC/C/SR.120-122), held on 20 and 21 January 1994 and adopted* the following concluding observations:

A. Introduction

2. The Committee expresses its appreciation to the State party for submitting, prior to the session, written replies to its list of issues (CRC/C.4/WP5) and for engaging in a fruitful dialogue with the Committee.

B. Positive aspects

3. The Committee welcomes measures undertaken by the Government of Romania, since the entry into force of the Convention in 1990, in order to promote and protect children's rights. It notes the establishment of such governmental agencies as the Central Committee for the Orientation and Coordination of Activities on Behalf of Minors, the Committee for the Support of Child-care Institutions and the Romanian Adoption Committee. Of particular importance was the creation, in February 1990, of the Romanian National Committee for UNICEF and in 1993 of the National Committee for the Protection of the Child. The Committee also notes with satisfaction that a number of laws have been amended or supplemented and that new legislation has been drafted in order to bring domestic laws into conformity with the provisions of the Convention.

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* At the 130th meeting, held on 28 January 1994.

4. The Committee notes that the Government of Romania has committed itself to a policy of bringing institutionalized children into a family environment. Efforts have been made to protect the value of the child allowance. A programme for the education of social workers has been initiated.

5. The Government has demonstrated willingness and readiness to cooperate with various intergovernmental and non-governmental organizations active in the field of the rights of the child.

C. Factors and difficulties impeding the implementation of the Convention

6. The reform of certain laws, policies and institutions in place before the ratification of the Convention had to be undertaken in order to allow for its effective implementation. Difficulties have also been caused by prejudices, intolerance and other popular attitudes in contradiction with the general principles of the Convention. The Committee further notes the problems related to the transition economy and that the situation of children has worsened as a consequence of growing poverty and increasing unemployment.

D. Principal subjects of concern

7. The Committee is worried about the effect on children of the difficult economic situation prevailing in the country. In this connection, the Committee is particularly concerned as to whether there are adequate measures to protect children from being the victims of economic reform, in the light of articles 3 and 4 of the Convention. The rights and basic needs of all children in the country should be taken into account also during the process of decentralization and privatization.

8. The Committee is concerned about the insufficient steps taken in the framework of legal reform to bring existing legislation into full conformity with the Convention, including in the light of the basic principles of the Convention, in order to overcome existing discrepancies such as the one reflected in the present law on marriage age. The Committee is equally concerned about existing lacunae in national legislation which may hamper efforts to implement the Convention. The various legislative and administrative measures undertaken to ensure implementation seem not to have been sufficiently coordinated and streamlined.

9. The Committee is concerned at the occurrence of child abuse and neglect within the family and the disruption of family values which in some cases lead to children being abandoned or running away. Children in such families are vulnerable to sexual abuse, drug abuse and alcoholism. The growing number of children living and/or working in the street is a matter of deep concern.

10. The Committee is concerned about the situation of children of minorities, especially within the context of articles 2, 28, 29 and 30 of the Convention. The low school attendance of the Roma (gypsy) group of children is a serious problem. In more general terms, the Committee finds that there is a need for more effective measures to combat prejudices against this minority.

11. The Committee is also concerned at the lack of adequate training of social workers, law enforcement officials and judicial personnel on the principles and provisions of the Convention.

E. Suggestions and recommendations

12. The Government should regularly monitor the impact of the structural adjustment programmes on children and take adequate measures for their protection.

13. The Committee also recommends that a more coherent approach be taken by the Government in implementing the Convention, particularly in assuring better coordination between the various mechanisms and institutions already in place to deal with promotion and protection of the rights of children. Of great importance, in that context, is the establishment of an appropriate structure at the local level and the coordination of efforts undertaken at the local and national levels.

14. Special efforts should be made to bring the existing legislation fully into line with the provisions of the Convention and thereby taking into account the principles of non-discrimination, the best interests of the child, and respect for the views of the child, as in the case of labour legislation. The Family Code of 1954 needs to be revised in the light of the Convention.

15. The Committee considers that greater efforts should be made to provide family education; to develop awareness of the equal responsibilities of parents; to disseminate widely knowledge about modern methods of family planning and, thereby, to reduce the practice of abortion.

16. The Committee suggests that research be undertaken on the issue of child abuse and neglect within the family.

17. The Committee recommends that personnel dealing with children be provided with adequate training in the basic principles and norms contained in the Convention on the Rights of the Child. Special training should be given to social workers in recognition of the importance of this profession.

18. The legislation on adoption should be further amended and enforced to effectively prevent, in particular, intercountry adoptions in violation of the spirit and letter of the Convention on the Rights of the Child and taking into account the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993, namely in view of the statement made by the delegation of the Government of Romania as to its intention to ratify this Convention.

19. Further efforts are recommended to create a better understanding among the public about the situation of children with disabilities. The promotion of their rights should be further advanced through, for instance, support to parents' organizations and a sustained programme for moving children from institutions to a good family environment.

20. The system of administration of juvenile justice should be guided by the provisions of articles 37 and 40 of the Convention on the Rights of the Child

as well as other relevant international standards such as the "Beijing Rules", the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. The Committee suggests that part of the training of the law enforcement personnel, judges and other administration of justice officials be devoted to an understanding of these international standards of juvenile justice.

21. The Government should adopt an active non-discrimination policy with respect to children of minorities. This would also, particularly in relation to the Roma (gypsy) population, require proactive measures to encourage participation and break a vicious circle of widespread prejudices resulting in hostility or neglect. The problem of low school attendance among children from the Roma minority should be urgently addressed.

22. The Committee also recommends that the report submitted by the State party, the summary records of its consideration and the concluding observations of the Committee be disseminated as widely as possible within the country. These documents might also serve the discussion about further steps towards systematic mechanisms to monitor and promote the implementation of the Convention.

23. The State party is encouraged to continue its cooperation with the Centre for Human Rights in the field of advisory services and technical assistance and with the support of the international community to further strengthen the child rights component in such programmes and to that end due account should be taken of the recommendations and suggestions contained in these observations.

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